

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No.9944 of 2015 (P)

PETITIONER:

**HAMEED,AGED 42 YEARS,S/O.HAMZA,
KALIPARAMBIL HOUSE,THOOTH A P.O,
ANAMANGAD (VIA),MALAPPURAM DISTRICT,
PIN.679 357.**

BY ADV. SRI.C.M.KAMMAPPU

RESPONDENT'S:

- 1. THE SECRETARY,MINISTRY OF EXTERNAL AFFAIRS,
SOUTH BLOCK,GOVERNMENT OF INDIA,
NEW DELHI-110 001.**
- 2. THE REGIONAL PASSPORT OFFICER,
KOZHIKODE,KOZHIKODE DISTRICT- 673 001.**
- 3. THE REGIONAL PASSPORT OFFICER,
MALAPPURAM,MALAPPURAM DISTRICT - 679 001.**

R1-R3 BY SRI.N.NAGARESH,ASGI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.9944 of 2015 (P)

APPENDIX

PETITIONER'S EXHIBITS

**EXT.P1-TRUE COPY OF RELEVANT PAGES OF THE PASSPORT BEARING
NO.F2701473 OF THE PETITIONER.**

**EXT.P2-TRUE COPY OF EXTRACT OF ADMISSION REGISTER ISSUED FROM THE
GOVT. HIGH SCHOOL,CHERPULASSERY.**

**EXT.P3-TRUE COPY OF CIRCULAR DATED 29.10.2007 ISSUED BY THE 1ST
RESPONDENT.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9944 of 2015

Dated this the 9th day of April, 2015

JUDGMENT

The petitioner is the holder of Ext.P1 passport bearing No.**F2701473**. The date of birth shown in the passport as '**20.05.1969**', which according to the petitioner is actually '**20.05.1972**'. The petitioner wants to effect correction of date of birth in the passport with reference to the entires in Ext.P2 School Admission Register and accordingly, the petitioner approached the 2nd respondent by filing necessary application. The petitioner has been given to understand that, unless the petitioner obtains some favourable orders from a competent Court of law, the request made by the petitioner will not be acceded to, and hence the writ petition.

2. The learned counsel for the petitioner submits that, in view of the law declared by this Court in **Nizar v. Union of India** (2014 (4) KLT 609) and that of in **Swapna Siju Vs. Union of India** (2012 (4) KLT 419), the stand taken by the respondent is liable to be intercepted and the petitioner is entitled to have the relief sought for.

3. The learned Central Government Counsel appearing for the respondents submits, that the petitioner will have to file an on-line application along with an affidavit explaining how the delay has occurred, also surrendering the existing passport.

4. In the said circumstances, the petitioner is relegated to file an 'on-line' application for correction of date of birth, along with an affidavit as above and the documents relied upon by the petitioner, also surrendering the existing passport before the concerned authority forthwith; on which event, the same shall be accepted and considered by the 2nd respondent, passing appropriate orders in accordance with law, within a period of 'one month' thereafter.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent, for further steps.

The writ petition is disposed of.

Sd/-

**P.R. RAMACHANDRA MENON,
JUDGE.**

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